

**U.S. District Court
Middle District of Florida (Orlando)
CRIMINAL DOCKET FOR CASE #: 6:20-cr-00103-PGB-LRH-1**

Case title: USA v. Misuga Kaiun Co. LTD

Date Filed: 07/10/2020
Date Terminated: 07/29/2020

Assigned to: Judge Paul G. Byron
Referred to: Magistrate Judge
Leslie R. Hoffman

Defendant (1)**Misuga Kaiun Co. LTD**
TERMINATED: 07/29/2020

represented by **Briton Paul Sparkman**
Chalos & Company, PC
7210 Tickner Street
Houston, TX 77055
713-574-9454
Fax: 866-702-4577
Email: bsparkman@chaloslaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained

George M. Chalos
Chalos & Company, PC
55 Hamilton Avenue
Oyster Bay, NY 11771
516/714-4300
Fax: 516/750-9051
Email: gmc@chaloslaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained

Michelle Otero Valdes
Chalos & CO., P.C.
2030 S Douglas Rd Ste 117
Coral Gables, FL 33134-4615
305-377-3700
Fax: 866-702-4577
Email: moy@miamimaritimelaw.co
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

33:1908.F ENFORCEMENT –
CRIMINAL PENALTIES
(1)

Disposition

PROBATION: 4 years of organizational probation;
FINE: \$1,500,000; SPECIAL ASSESSMENT:
\$400.00

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **John M. Gardella**
US Attorneys Office
400 West Washington Street., Suite 3100
Orlando, FL 32801
407-648-7566
Fax: 407-648-7643
Email: john.gardella@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Kenneth E. Nelson
Department of Justice
150 M St. NE., Suite 4.120
Washington, DC 20002
202-532-5467
Email: Kenneth.Nelson3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Sara C. Sweeney
US Attorney's Office – FLM*
Suite 3100
400 W Washington St
Orlando, FL 32801
(407) 648-7555
Fax: (407) 648-7643
Email: sara.sweeney@usdoj.gov
TERMINATED: 07/20/2020
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
07/10/2020	<u>1</u>	INFORMATION as to Misuga Kaiun Co. LTD (1) count(s) 1. (DMA) (Entered: 07/13/2020)
07/10/2020	<u>2</u>	WAIVER OF INDICTMENT by Misuga Kaiun Co. LTD (DMA) (Entered: 07/13/2020)
07/10/2020	<u>3</u>	PLEA AGREEMENT re: count(s) 1 of the Information as to Misuga Kaiun Co. LTD (Attachments: # <u>1</u> Plea Agreement Part 2)(DMA) (Entered: 07/13/2020)
07/13/2020	5	NOTICE to counsel George M. Chalos of Local Rule 2.02, Special Admission to Practice – Non-resident attorney shall file a written designation and consent-to-act on the part of some member of the bar of this Court; Pay the \$150.00 Special Admission Fee; Complete the E-Filer Registration Form to obtain a login and password for CM/ECF; Local counsel must electronically file a Motion to appear Pro Hac Vice on behalf of the non-resident attorney as to Misuga Kaiun Co. LTD (Signed by Deputy Clerk). (copies mailed). (DMA) (Entered: 07/13/2020)

07/13/2020	<u>6</u>	NOTICE OF ATTORNEY APPEARANCE: Michelle Otero Valdes appearing for Misuga Kaiun Co. LTD (Valdes, Michelle) (Entered: 07/13/2020)
07/14/2020	<u>7</u>	MOTION for Briton P. Sparkman to appear pro hac vice, Special Admission fee paid, Receipt No. 113A-17052913 for \$150 by Misuga Kaiun Co. LTD. (Attachments: # <u>1</u> Special Admission Attorney Certification)(Valdes, Michelle) Motions referred to Magistrate Judge Leslie R. Hoffman. (Entered: 07/14/2020)
07/14/2020	<u>8</u>	MOTION for George M. Chalos to appear pro hac vice, Special Admission fee paid, Receipt No. 113A-17053284 for \$150 by Misuga Kaiun Co. LTD. (Attachments: # <u>1</u> Special Admission Attorney Certification)(Valdes, Michelle) Motions referred to Magistrate Judge Leslie R. Hoffman. (Entered: 07/14/2020)
07/14/2020	<u>9</u>	ORDER granting <u>7</u> Motion for Leave to Appear Pro Hac Vice as to Misuga Kaiun Co. LTD; granting <u>8</u> Motion for Leave to Appear Pro Hac Vice as to Misuga Kaiun Co. LTD. Briton P. Sparkman and George M. Chalos, Esq., may specially appear in this case as counsel for Defendant with Michelle Otero Valdes, Esq., serving as local counsel. The Clerk of Court is directed to mail a copy of this Order to Attorneys Sparkman and Chalos. Signed by Magistrate Judge Leslie R. Hoffman on 7/14/2020. (ECJ) (Entered: 07/14/2020)
07/14/2020	<u>10</u>	NOTICE OF HEARING as to Misuga Kaiun Co. LTD: Initial Appearance and Change of Plea Hearing set for 8/14/2020 at 01:30 PM in Orlando Courtroom 5 D before Magistrate Judge Leslie R. Hoffman. (copies provided)(ECJ) (Entered: 07/14/2020)
07/17/2020	<u>11</u>	Unopposed MOTION to Transfer and Consolidate Related Cases by USA as to Misuga Kaiun Co. LTD. (Gardella, John) Modified on 7/20/2020 (ARJ). (Entered: 07/17/2020)
07/17/2020	<u>12</u>	MOTION to Withdraw as Attorney <i>Sara C. Sweeney</i> from case by Sara C. Sweeney. by USA as to Misuga Kaiun Co. LTD. (Gardella, John) Motions referred to Magistrate Judge Leslie R. Hoffman. (Entered: 07/17/2020)
07/20/2020	<u>13</u>	ENDORSED ORDER granting <u>11</u> Motion to Change Venue / Transfer Case as to Misuga Kaiun Co. LTD (1). Signed by Judge Carlos E. Mendoza on 7/20/2020. (MEH) ctp (Entered: 07/20/2020)
07/20/2020	<u>14</u>	ENDORSED ORDER granting <u>12</u> Motion to Withdraw. Sara C. Sweeney withdrawn from case. as to Misuga Kaiun Co. LTD. Signed by Magistrate Judge Leslie R. Hoffman on 7/20/2020. (ECJ) (Entered: 07/20/2020)
07/20/2020	<u>15</u>	Unopposed MOTION to Expedite , Waive Presentence Investigation Report, Proceed to Sentencing, and Appear by Video Conference by Misuga Kaiun Co. LTD. (Chalos, George) Modified on 7/21/2020 (ARJ). (Entered: 07/20/2020)
07/22/2020	<u>16</u>	Case as to Misuga Kaiun Co. LTD Reassigned to Judge Paul G. Byron. New case number: 6:20-cr-103-ORL-40LRH. Judge Carlos E. Mendoza no longer assigned to the case. (MAA) (Entered: 07/22/2020)
07/22/2020	<u>17</u>	NOTICE OF HEARING ON MOTION <u>15</u> Unopposed MOTION for Miscellaneous Relief, specifically Waive Presentence Investigation Report, Proceed to Sentencing, and Appear by Video Conference . Counsel from U.S. Environmental Crimes Section and lead counsel for the Defendant shall be prepared to discuss the anticipated sentencing guidelines, objections, and recommended sentencing range. Counsel for the U.S. Environmental Crimes Section shall also file an appearance on the docket. Telephonic Motion Hearing set for 7/24/2020 at 1:00 PM in Orlando Courtroom 4B before Judge Paul G. Byron. The parties shall call 888-363-4735 ten (10) minutes before the hearing is set to begin. Access Code: 3126210. Security Code: 072420.(GNB) copies e-mailed(GNB) copies e-mailed (Entered: 07/22/2020)
07/23/2020	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE Kenneth E. Nelson appearing for USA. (Nelson, Kenneth) (Entered: 07/23/2020)
07/24/2020	<u>19</u>	NOTICE OF RESCHEDULING HEARING: The Motion Hearing previously scheduled for 7/24/2020 is rescheduled as to Misuga Kaiun Co. LTD for a TELEPHONE CONFERENCE at 7/24/2020 at 1:00 PM in Orlando Courtroom 4B before Judge Paul G. Byron. Call-in information remains the same. Counsel of record ONLY needs to appear on the call. Defendant's presence is not required. (GNB) copies

		e-mailed (Entered: 07/24/2020)
07/24/2020	<u>20</u>	Minute Entry for proceedings held before Judge Paul G. Byron: TELEPHONE Conference as to Misuga Kaiun Co. LTD held on 7/24/2020. Court Reporter: Koretta Stanford (GNB) (Entered: 07/24/2020)
07/24/2020	<u>21</u>	NOTICE of Corporate Resolution and Power of Attorney by Misuga Kaiun Co. LTD (Attachments: # <u>1</u> Corporate Resolution, # <u>2</u> Power of Attorney)(Chalos, George) (Entered: 07/24/2020)
07/24/2020	<u>22</u>	ORAL ORDER granting <u>15</u> Motion to Expedite, Waive Presentence Investigation Report, Proceed to Sentencing, and Appear by Video Conference as to Misuga Kaiun Co. LTD (1). Rendered in Open Court by Judge Paul G. Byron on 7/24/2020. (GNB) (Entered: 07/27/2020)
07/27/2020	<u>23</u>	NOTICE OF HEARING as to Misuga Kaiun Co. LTD: Initial Appearance set for 7/29/2020 at 1:30 PM in Orlando Courtroom 3A before Judge Paul G. Byron, Change of Plea Hearing set for 7/29/2020 at 1:30 PM in Orlando Courtroom 3A before Judge Paul G. Byron, Sentencing set for 7/29/2020 at 1:30 PM in Orlando Courtroom 3A before Judge Paul G. Byron. This hearing will be conducted via ZOOM. The parties shall receive the hearing information by separate email.(GNB) copies e-mailed (Entered: 07/27/2020)
07/27/2020	<u>24</u>	NOTICE canceling Initial Appearance and Change of Plea Hearing scheduled for 8/14/2020 at 1:30 PM as to Misuga Kaiun Co. LTD. (copies provided) (ECJ) (Entered: 07/27/2020)
07/27/2020	<u>25</u>	MOTION for Statutory Award Payment by USA as to Misuga Kaiun Co. LTD. (Attachments: # <u>1</u> Text of Proposed Order)(Gardella, John) Modified on 7/28/2020 (MEJ). (Entered: 07/27/2020)
07/29/2020	<u>26</u>	Minute Entry for proceedings held before Judge Paul G. Byron: Initial Appearance (via Zoom) as to Misuga Kaiun Co. LTD held on 7/29/2020. Court Reporter: Koretta Stanford (GNB)copies e-mailed Modified on 7/30/2020 (GNB). (Entered: 07/30/2020)
07/29/2020	<u>27</u>	Minute Entry for proceedings held before Judge Paul G. Byron: Change of Plea Hearing (via Zoom) as to Misuga Kaiun Co. LTD held on 7/29/2020. Court Reporter: Koretta Stanford (GNB)copies e-mailed (Entered: 07/30/2020)
07/29/2020	<u>28</u>	Minute Entry for proceedings held before Judge Paul G. Byron: SENTENCING (via Zoom) held on 7/29/2020 for Misuga Kaiun Co. LTD (1), Count 1, PROBATION: 4 years of organizational probation; FINE: \$1,500,000; SPECIAL ASSESSMENT: \$400.00. Court Reporter: Koretta Stanford (GNB)copies e-mailed (Entered: 07/30/2020)
07/29/2020	<u>29</u>	ORDER granting in part and denying in part <u>25</u> Motion for Statutory Award Payment. Signed by Judge Paul G. Byron on 7/29/2020. (GNB) copies e-mailed (Entered: 07/30/2020)
07/30/2020	<u>30</u>	JUDGMENT as to Misuga Kaiun Co. LTD (1), Count 1, PROBATION: 4 years of organizational probation; FINE: \$1,500,000; SPECIAL ASSESSMENT: \$400.00. Signed by Judge Paul G. Byron on 7/30/2020. (Attachments: # <u>1</u> Environmental Compliance Plan)(GNB) (Entered: 07/30/2020)
08/12/2020	<u>32</u>	Summons Returned Executed on 8/10/20 as to Misuga Kaiun Co. LTD (RDO) (Entered: 08/12/2020)
08/14/2020	<u>33</u>	TRANSCRIPT of Arraignment, Change of Plea, and Sentencing as to Misuga Kaiun Co., LTD held on 07/29/20 before Judge Paul G. Byron. Court Reporter/Transcriber Koretta Stanford, stanarm2014@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 9/4/2020, Redacted Transcript Deadline set for 9/14/2020, Release of Transcript Restriction set for 11/12/2020. (KS) (Entered: 08/14/2020)

08/14/2020	34	NOTICE to Counsel of filing of OFFICIAL TRANSCRIPT, Document 33. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the Clerk's Office public terminal as to Misuga Kaiun Co., LTD. Court Reporter: Koretta Stanford (KS) (Entered: 08/14/2020)
08/31/2020	35	ENDORSED ORDER re <u>29</u> Order. The Clerk of Court is permitted to make Mr. Nestal's attorney, Mr. Merrill, the payee for his client's payment and may release the funds to Mr. Merrill via check as opposed to wire. Signed by Judge Paul G. Byron on 8/31/2020. (GNB) copies e-mailed (Entered: 08/31/2020)
10/05/2020	<u>36</u>	SATISFACTION of Judgment as to Misuga Kaiun Co. LTD. (Jewell, Jillian) (Entered: 10/05/2020)